

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

AHMAD HOSSEINIPOUR,	)	
	)	CASE NO. 4:11cv0155
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
OHIO ATTORNEY GENERAL, SECTION	)	
OF HEALTH AND HUMAN SERVICES,	)	
	)	<b><u>MEMORANDUM OF OPINION AND</u></b>
Defendant.	)	<b><u>ORDER</u></b>

On January 24, 2011, plaintiff *pro se* Ahmad Hosseinipour filed this *in forma pauperis* action against the Ohio Attorney General, Section of Health and Human Services. The Complaint and attachments reflect that Plaintiff's certificate to practice medicine in Ohio was permanently revoked in 1998. He alleges that two psychiatrists never recommended his medical license be revoked permanently. He believes he is able to practice medicine again, and asks that his attorneys be reappointed. Plaintiff does not wish to leave the country.

Although *pro se* pleadings are liberally construed, [Boag v. MacDougall, 454 U.S. 364, 365 \(1982\) \(per curiam\); Haines v. Kerner, 404 U.S. 519, 520 \(1972\)](#), the district court is required to dismiss an action under [28 U.S.C. § 1915\(e\)](#) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact.<sup>1</sup> [Neitzke v. Williams, 490](#)

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<sup>1</sup> A claim may be dismissed *sua sponte*, without prior notice to the plaintiff and without service of process on the defendant, if the court explicitly states that it is invoking section 1915(e) [formerly [28 U.S.C. § 1915\(d\)](#)] and is dismissing the claim for one of the reasons set forth in the statute. [McGore v. Wrigglesworth, 114 F.3d 601, 608-09 \(6th Cir. 1997\); Spruytte v. Walters, 753 F.2d 498, 500 \(6th Cir. 1985\), cert. denied, 474 U.S. 1054 \(1986\); Harris v. Johnson, 784](#) (continued...)

U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996).

Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). It must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Id.* Even liberally construed, the Complaint does not contain allegations reasonably suggesting Plaintiff might have a valid claim. *See, Lillard v. Shelby County Bd. of Educ.*, 76 F.3d 716 (6th Cir. 1996)(court not required to accept summary allegations or unwarranted legal conclusions in determining whether complaint states a claim for relief).

Accordingly, the request to proceed *in forma pauperis* is granted and this action is dismissed under section 1915(e). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

March 14, 2011

Date

/s/ Benita Y. Pearson

Benita Y. Pearson

United States District Judge

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(...continued)

F.2d 222, 224 (6th Cir. 1986); *Brooks v. Seiter*, 779 F.2d 1177, 1179 (6th Cir. 1985).